

Mary Lazich

Wisconsin State Senator • Senate District 28



April 21, 2011

Assembly Committee on Criminal Justice and Corrections Testimony for Assembly Bill 18

Thank you Chairman Bies and members of the Assembly Committee on Criminal Justice and Corrections for your attention to Assembly Bill 18. It is a privilege to speak with you today about a bill that is very important.

Assembly Bill 18 is the companion bill to Senate Bill 15, a bill the Senate approved two months ago. It is my hope the Assembly will move quickly to approve this bipartisan legislation to remove a mandate from local units of government and increase public safety.

Last session, the legislature approved a law requiring law enforcement officials collect and record passenger information every time an officer stops a car. Among other things, that information includes the race of the driver, race of passengers and the duration of the stop. The information must be entered on a data collection form whether or not a citation is issued.

Complying with the data collection law is time-consuming, repetitive and creates safety concerns. The law enforcement community is facing budget difficulties the same as other government entities and this is yet another unnecessary mandate. There is not a decreased need for law enforcement due to the downturn in the economy. As departments face reduced budgets, diminished resources must be directed without compromising public safety.

At the Senate committee hearing for the bill, law enforcement officers from around the state testified the mandate requires duplicate work and takes away from their ability to fight real crime in their communities.

In addition to any citation issued, the law enforcement official is required to fill out a 46-field form about the stop. This is in addition to the 47-field Wisconsin uniform citation. Actually, much of the information is the same as the citation information. This is required for every stop, regardless of outcome, and required for every passenger in the vehicle.

This is not only a massive drain on law enforcement time, it is an invasion of privacy for the passengers.

Law enforcement already has enough on its plate. When approaching a car during a traffic stop, officers need to be concerned about whether the situation is safe and under control, not the race of the person in the back seat. Spending up to 15 minutes completing



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a form on the side of the road leaves law enforcement vehicles exposed to collisions and reduces the amount of time protesting the community.

For too long, the state legislature has imposed unnecessary burdens on local government units. Voters signaled in last November's elections they wanted smaller government and fewer state-imposed regulations. I thank the committee for showing its commitment by holding a hearing on this bill.

Again, thank you for the hearing. I encourage approval of the bill.



STATE BAR OF WISCONSIN

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MEMORANDUM

To: Members, Assembly Committee on Criminal Justice and Corrections

From: James C. Boll, Jr., President
State Bar of Wisconsin

Date: April 21, 2011

Re: 2011 Assembly Bill 18 (Repeal of data collection regarding racial profiling)

The State Bar of Wisconsin is the mandatory professional association, created by the Wisconsin Supreme Court, for all attorneys who hold a Wisconsin law license. With more than 23,000 members, the State Bar aids the courts in improving the administration of justice, provides continuing legal education for its members, and assists Wisconsin lawyers with outreach initiatives to educate the public about the legal system and the role of the legal profession in a free society.

The State Bar is led by a 52-member Board of Governors, who are elected by the membership or appointed by the Supreme Court. The State Bar operates under the rules of the Wisconsin Supreme Court and the State Bar's bylaws.

Since 2002, the State Bar of Wisconsin has supported state and federal efforts that seek to end racial and ethnic profiling. For the public to have trust and confidence in the justice system, it must believe that all persons are treated equally. The State Bar supports the collection and analysis of data with regard to racial and ethnic profiling. Further, upon the empirical evidence of such practices, we support mandates to end such practices as well as funding for training of law enforcement to address such practices.

The State Bar's support for the measures that Assembly Bill 18 would repeal did not occur in a vacuum. In November 1999, Governor Tommy G. Thompson created the Governor's Task Force on Racial Profiling. Governor Thompson charged the Task Force with the responsibility of studying and making recommendations on the use of profiling when conducting traffic stops in Wisconsin. As the task force's final report noted, the State of Wisconsin has a proud tradition of having some of the finest and most professional police officers in the nation. However, based on national trends and legislative activity on this issue, Governor Thompson determined there a need existed for education and leadership on the issue.

When Governor Thompson's task force issued its final report 10 years ago, it concluded:

“The extent of racial profiling cannot be determined without empirical study and comprehensive analysis. The Task Force and experts agree that data collection is an appropriate component for addressing racial profiling and is a component in effective management which can help build accountability and protect the integrity of law enforcement agencies and personnel. . . .

Based on information from national and local experts, it is strongly recommended that law enforcement agencies collect the necessary data to address racial profiling in an organized manner that permits the development of meaningful and useful information.”

In 2005, legislation to implement racial profiling data collection was introduced in the Assembly by Representative Garey Bies, but it died without a floor vote.

In March 2007, Governor Doyle established the Commission on Reducing Racial Disparities in the Wisconsin Justice System, which issue its final report in February 2008. Echoing the recommendations of Governor Thompson’s task force eight years earlier, the Commission made the following recommendation: “Appropriate state agencies should be directed to conduct a county-by county baseline study of racial disparity using existing traffic citation and arrest data to determine disparity levels in the state.”

In the 2009-11 biennial state budget, 2009 Act 28, these recommendations were adopted. Data collection began on January 1, 2011.

In summary, two task forces – one appointed by a Republican Governor and one appointed by a Democratic Governor – have made the same recommendation to the Legislature, which were finally adopted two years ago. The data collection just began this year. At best, to repeal this requirement now would signal that the Legislature has concluded, without any empirical basis, that racial profiling does not exist in Wisconsin or is not a significant problem. The State Bar of Wisconsin believes this is the wrong approach. The current statute provides a way to resolve questions about racial profiling in Wisconsin with hard facts. It should not be repealed.

If you have any questions, please feel free to contact Lisa Roys, Public Affairs Director for the State Bar of Wisconsin, at (608) 250-6128.